

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Education Professional Standards Board
(Amendment)

16 KAR 4:050. Dating of certification.

RELATES TO: KRS 161.020, 161.028, 161.030

STATUTORY AUTHORITY: KRS 161.028, 161.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020 requires professional school personnel to hold a certificate of legal qualifications for the position. This administrative regulation establishes the effective and expiration dates for certification.

Section 1. (1) The effective date for statements of eligibility, certificates, provisional and probationary certificates, and certificates issued for internship shall be determined in accordance with Sections 2, 3, and 4 of this administrative regulation.

(2) The calendar year of the effective date shall be the base year. The year of expiration shall be determined by adding the years of duration to the base year in accordance with the applicable certification administrative regulation in KAR Title 16.

Section 2. Statements of Eligibility. (1) A statement of eligibility shall be issued to become effective on July 1 provided all requirements are completed on any date from July 1 to September 1 inclusive and to expire on June 30 of the last year of duration.

(2) If requirements for a statement of eligibility are completed at the close of the spring semester of an academic year, the statement of eligibility shall become effective from the date all requirements are completed and to expire on June 30 of the last year of duration.

(3) If requirements are completed on any date after September 1 up to and including the close of the fall semester, the statement of eligibility shall become effective from the date all requirements are completed. The statement of eligibility shall expire on December 31 of the last year of duration.

(4) If requirements are completed after the beginning of the spring semester and before the close of the spring semester, the statement shall become effective from the date all requirements are completed. The statement of eligibility shall expire on June 30 of the last year of duration.

Section 3. Certificates. (1) A certificate shall be issued to become effective on July 1 provided all requirements are completed on any date from July 1 to September 1 inclusive and to expire on June 30 of the last year of duration.

(2) If requirements for a certificate are completed after the beginning of the spring semester and before July 1, the certificate shall become effective from the date all requirements are completed and to expire on June 30 of the last year of duration.

(3) If requirements are completed after September 1 up to and including the close of the fall semester, the certificate shall be dated to become effective from the date all requirements are completed. The certificate shall expire on June 30 of the last year of duration.

Section 4. Provisional and Probationary Certificates. (1) One (1) year provisional or probationary certificates shall be issued to become effective on July 1 provided all requirements are completed on any date from July 1 to September 1 inclusive and to expire on June 30 of the following year.

(2) If requirements are completed after the beginning of the spring semester and before July 1, the certificate shall become effective from the date all requirements are completed and to expire on December 31 of that year.

(3) If requirements are completed after September 1 up to and including the close of the fall se-

mester, the certificate shall be dated to become effective from the date all requirements are completed. The certificate shall expire on June 30 of the following year.

Section 5.~~[Section 4.]~~ Certificates Issued for Internship. (1) Certificates for the internship shall be issued for the fall and spring semester of the school year provided the confirmation of employment is received ~~by~~[in] the Education Professional Standards Board (EPSB)~~[Office of Teacher Education and Certification]~~ in sufficient time for the applicant to complete seventy (70) days during the semester or 140 days during the school year.

(2) In the event a person is employed during the fall semester but cannot complete the year of internship of 140 days, the internship may be established for one (1) semester and the certification shall become effective the date the confirmation of employment is received ~~by~~[in] the EPSB~~[Office of Teacher Education and Certification.]~~

(3) A certificate may be issued only when seventy (70) days exists to establish an internship.

LISA RUDZINSKI, Board Chair

APPROVED BY AGENCY: June 24, 2021

FILED WITH LRC: July 14, 2021 at 3:58 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on September 23, 2021, at 10:00 a.m. in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2021. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Todd Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321; email regcomments@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the effective and expiration dates for certification.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to set the effective and expiration dates for certificates issued by the Education Professional Standards Board.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 161.020 requires a certificate of legal qualifications for any public school position for which a certificate is issued. KRS 161.028 requires the Education Professional Standards Board to establish the standards and requirements for obtaining and maintaining a teaching certificate.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets the effective and expiration dates for certificates issued by the Education Professional Standards Board.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment adds

a section to address the dating of one (1) year provisional and probationary certificates.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to establish the effective and expiration dates of one (1) year provisional and probationary certificates.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 161.028(1) authorizes the Education Professional Standards Board to establish the standards and requirements for obtaining and maintaining a teaching certificate.

(d) How the amendment will assist in the effective administration of the statutes: The amendment establishes the effective and expiration dates for one (1) year provisional and probationary certificates to set clear procedures for the dating of those certificates.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 172 Kentucky school districts, 30 educator preparation program providers, and educators seeking one (1) year provisional or probationary certificates.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action by the listed entities will be required.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no cost associated with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There will be clear procedures for the expiration and effective dates of the one (1) year probationary and provisional certificates. The expiration dates will align with the end of a school semester to ensure that the educator is properly certified during the semester.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: None

(b) On a continuing basis: None

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: State General Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: Certification fees are established by 16 KAR 4:040. No additional fees are established by this regulation.

(9) TIERING: Is tiering applied? Tiering is not applicable to the requirements of this regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Education Professional Standards Board, public colleges and universities with educator preparation programs and public-school districts.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 161.020, KRS 161.028, KRS 161.030.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a

state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? There will be no additional revenues created by this amendment.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? There will be no additional revenues created by this amendment.

(c) How much will it cost to administer this program for the first year? There are no costs associated with this amendment.

(d) How much will it cost to administer this program for subsequent years? There are no costs associated with the amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: This is not a fee generating or a cost incurring program but, rather, establishes the effective and expiration dates for certification.